

Message Text

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PAGE 01 STATE 258386
ORIGIN OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-07 IO-13
L-03 NSAE-00 EB-08 NRC-05 FEAE-00 DODE-00 ERDA-05
SS-15 SP-02 NSCE-00 SSO-00 INRE-00 PM-05 /095 R

DRAFTED BY OES/NET:LVNOSENZO/L/OES:RBETTAUER:SK
APPROVED BY OES/NET:LVNOSENZO
SAS - MR KELLEY
L/T - ROVINE (INFO)
S/S- MS. DENHAM "INFO"
DOE - MR. BRUSH (INFO)
ACDA - MR. MARSHALL(INFO)
NRC - MR. STOIBER (INFO)

-----095088 281444Z /50

O 281341Z OCT 77
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE

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E.O. 11652: N/A

TAGS: PFOR, MNUC, CA

SUBJECT: NUCLEAR EXCHANGE OF NOTES

1. AS FOLLOW-UP TO OCTOBER 14 JAMEISON/SMITH MEETING IN OTTAWA, DEPARTMENT HAS NEGOTIATED EXCHANGE OF NOTES WITH EXTERNAL AFFAIRS. TEXT OF EXCHANGE OF NOTES FOLLOWS. WE REQUEST YOU CONFIRM ACCURACY OF LANGUAGE WITH EXTERNAL AFFAIRS (LABERGE). PLEASE NOTIFY DEPARTMENT IF CANADIANS DESIRE ANY ADDITIONAL CHANGES. DEPARTMENT ANTICIPATES CABLING FINAL AUTHORIZATION TO EXCHANGE NOTES EARLY NEXT WEEK.

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2. BEGIN TEXT OF EMBASSY NOTE. I REFER THE MINISTER OF EXTERNAL AFFAIRS TO THE AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA, SIGNED ON JUNE 15, 1955, AS AMENDED, HEREINAFTER REFERRED TO AS THE 1955 COOPERATION AGREEMENT.

I WISH TO ACKNOWLEDGE CANADA'S LEADERSHIP ROLE IN THE FIELD OF PREVENTING NUCLEAR PROLIFERATION. BOTH CANADA AND THE UNITED STATES ARE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS. BOTH COUNTRIES HAVE COMMITTED THEMSELVES TO ENSURE THAT ANY SOURCE MATERIALS,

SPECIAL NUCLEAR MATERIALS, EQUIPMENT OR HEAVY WATER TRANSFERRED PURSUANT TO THE 1955 COOPERATION AGREEMENT, INCLUDING ALL MATERIALS TRANSFERRED PURSUANT TO THE AGREEMENT EMBODIED IN THE EXCHANGE OF NOTES WHICH ENTERED INTO FORCE ON MARCH 25, 1976, AND INCLUDING SUCH ITEMS SUBSEQUENTLY RETRANSFERRED PURSUANT TO AGREEMENTS FOR COOPERATION BETWEEN THE UNITED STATES AND OTHER NATIONS, AND ANY SPECIAL NUCLEAR MATERIAL PRODUCED THEREFROM, INCLUDING SUBSEQUENT GENERATIONS DERIVED FROM THE ABOVE-MENTIONED SPECIAL NUCLEAR MATERIALS SHALL NOT BE USED FOR RESEARCH ON OR DEVELOPMENT OF ANY NUCLEAR EXPLOSIVE DEVICE OR FOR ANY OTHER MILITARY PURPOSE. THEY HAVE ALSO COMMITTED THEMSELVES TO ENSURE THAT SUCH MATERIALS AND EQUIPMENT ARE SUBJECT TO THE APPLICATION OF IAEA SAFEGUARDS. FURTHER, BOTH HAVE COMMITTED THEMSELVES TO ENSURE THAT ADEQUATE PHYSICAL PROTECTION IS APPLIED TO ALL SUCH MATERIAL OR EQUIPMENT, TAKING INTO ACCOUNT THE MEASURES SET FORTH IN INFCIRC/225 (REVISED). THESE ARE ENDURING COMMITMENTS.

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THE UNITED STATES IS PREPARED TO BEGIN RENEGOTIATION OF THE 1955 COOPERATION AGREEMENT WITH CANADA IMMEDIATELY, WITH A VIEW TO PROMPT CONCLUSION OF A NEW AGREEMENT. THE UNITED STATES PROPOSES THAT THE AGREEMENT EMBODIED IN THE EXCHANGE OF NOTES BETWEEN THE UNITED STATES AND CANADA, WHICH ENTERED INTO FORCE ON MARCH 25, 1976, AS COMPLEMENTED BY THIS EXCHANGE OF NOTES, REMAIN IN FORCE UNTIL THE RENEGOTIATED AGREEMENT FOR COOPERATION ENTERS INTO FORCE. DURING THIS PERIOD, SOURCE MATERIALS AND SPECIAL NUCLEAR MATERIALS TRANSFERRED PURSUANT TO THE 1955 COOPERATION AGREEMENT, INCLUDING ALL MATERIAL TRANSFERRED PURSUANT TO THE AGREEMENT EMBODIED IN THE EXCHANGE OF NOTES WHICH ENTERED INTO FORCE ON MARCH 25, 1976, AND ANY SPECIAL NUCLEAR MATERIAL PRODUCED THEREFROM, INCLUDING SUBSEQUENT GENERATIONS DERIVED FROM SUCH SPECIAL NUCLEAR MATERIAL, MAY BE TRANSFERRED ONLY TO FUEL FABRICATION, CONVERSION, REACTOR AND SPENT FUEL STORAGE FACILITIES IN THE UNITED STATES, PROVIDED THAT SUCH MATERIAL SHALL NOT BE TRANSFERRED BEYOND THE JURISDICTION OF THE UNITED STATES NOR SHALL ANY SUCH MATERIALS BE REPROCESSED, UNLESS THE PARTIES AGREE TO SUCH RETRANSFER OR REPROCESSING. WHILE SUCH MATERIAL IS HELD AT SUCH FACILITIES, ARRANGEMENTS OF

A MUTUALLY SATISFACTORY NATURE SHALL BE MADE BETWEEN CANADA AND THE UNITED STATES TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THESE EXCHANGES OF NOTES.

PENDING THE ENTRY INTO FORCE OF A RENEGOTIATED AGREEMENT FOR COOPERATION, THE UNITED STATES PROPOSES THE FOLLOWING

UNDERSTANDINGS, IN ADDITION TO THE AGREEMENTS SET FORTH IN THE 1955 COOPERATION AGREEMENT AND THAT WHICH CAME INTO FORCE ON MARCH 25, 1976 PURSUANT TO THE EXCHANGE OF NOTES:

(1) SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL, PRODUCTION FACILITIES, UTILIZATION FACILITIES, EQUIPMENT AND DEVICES, LIMITED OFFICIAL USE

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AND HEAVY WATER, HEREAFTER TRANSFERRED PURSUANT TO THE 1955 COOPERATION AGREEMENT, INCLUDING ALL MATERIALS TRANSFERRED PURSUANT TO THE AGREEMENT EMBODIED IN THE EXCHANGE OF NOTES WHICH ENTERED INTO FORCE ON MARCH 25, 1976, OR AS MAY OTHERWISE BE AGREED AND ANY SPECIAL NUCLEAR MATERIALS PRODUCED THEREFROM INCLUDING SUBSEQUENT GENERATIONS DERIVED FROM SUCH SPECIAL NUCLEAR MATERIALS SHALL NOT BE TRANSFERRED TO UNAUTHORIZED PERSONS AND SHALL NOT BE TRANSFERRED BEYOND THE JURISDICTION OF EITHER PARTY TO THE AGREEMENT, UNLESS THE PRIOR APPROVAL OF THE OTHER PARTY IS OBTAINED;

(2) THE UNITED STATES SHALL NOT EXERCISE ANY RIGHTS IT HAS TO APPROVE THE FURTHER RETRANSFER OF SUCH MATERIALS, EQUIPMENT, AND HEAVY WATER AND SHALL NOT EXERCISE ANY RIGHTS IT HAS TO APPROVE THE FURTHER RETRANSFER, REPROCESSING OR OTHER ALTERATION IN FORM OR CONTENT, OF IRRADIATED FUEL ELEMENTS CONTAINING SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIALS, EQUIPMENT, AND HEAVY WATER SO TRANSFERRED BEYOND ITS JURISDICTION INCLUDING SUBSEQUENT GENERATIONS DERIVED FROM SUCH SPECIAL NUCLEAR MATERIAL, UNLESS CANADIAN APPROVAL IS OBTAINED IN ADVANCE. THIS APPLIES ONLY WHERE THE COUNTRY REQUESTING APPROVAL HAS NOTIFIED THE UNITED STATES THAT CANADA HAS THIS RIGHT OR ITS EQUIVALENT. IN THE EVENT THAT THE UNITED STATES IS NOT SO NOTIFIED, THE UNITED STATES SHALL CONSULT WITH CANADA PRIOR TO GRANTING SUCH APPROVAL;

(3) SOURCE MATERIALS AND SPECIAL NUCLEAR MATERIALS TRANSFERRED HEREAFTER PURSUANT TO THE 1955 COOPERATION AGREEMENT, INCLUDING ALL MATERIAL TRANSFERRED PURSUANT TO THE AGREEMENT EMBODIED IN THE EXCHANGE OF NOTES WHICH ENTERED INTO FORCE ON MARCH 25, 1976, OR AS MAY OTHERWISE BE AGREED LIMITED OFFICIAL USE

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AND SPECIAL NUCLEAR MATERIAL PRODUCED THROUGH THE USE OF SUCH MATERIALS SHALL NOT BE REPROCESSED, AND IRRADIATED FUEL ELEMENTS CONTAINING THE FOREGOING SPECIAL NUCLEAR MATERIALS REMOVED FROM A REACTOR SHALL NOT BE ALTERED IN FORM OR IN CONTENT BY EITHER PARTY, UNLESS THE PRIOR APPROVAL OF THE OTHER PARTY IS OBTAINED FOR SUCH REPROCESSING OR ALTERATION.

IN ADDITION TO THE FOREGOING, IT IS THE UNDERSTANDING OF THE UNITED STATES THAT NEITHER PARTY SHALL ENRICH MATERIALS REFERRED TO ABOVE AFTER TRANSFER TO GREATER THAN TWENTY PERCENT IN THE URANIUM ISOTOPE 235 OR 233 UNLESS PRIOR APPROVAL OF THE OTHER PARTY IS OBTAINED.

THE UNITED STATES WOULD APPRECIATE CANADA'S CONFIRMATION OF THE FOREGOING. THE UNITED STATES IS AWARE THAT NUCLEAR TECHNOLOGY AND CERTAIN ITEMS OF EQUIPMENT WILL NOT BE EXPORTED FROM CANADA WITHOUT SAFEGUARDS AND CONTROLS WHICH THE CANADIAN GOVERNMENT REQUIRES.

I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR REPLY CONFIRMING THE FOREGOING, WHICH COMPLEMENTS THE AGREEMENT EMBODIED IN THE EXCHANGE OF NOTES WHICH ENTERED INTO FORCE ON MARCH 25, 1976 (COPY ATTACHED), SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS AND SHALL ENTER INTO FORCE ON THE DATE OF YOUR REPLY AND SHALL REMAIN IN FORCE THEREAFTER UNTIL A NEW AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY ENTERS INTO FORCE.

END TEXT.

3. BEGIN TEXT OF EXTERNAL AFFAIRS REPLY. I REFER TO THE AMBASSADOR'S NOTE OF OCTOBER (), 1977, CONCERNING THE AGREEMENT FOR COOPERATION CONCERNING THE CIVIL USES OF ATOMIC ENERGY BETWEEN THE GOVERNMENT OF

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THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA, SIGNED ON JUNE 15, 1955, AS AMENDED.

I AGREE TO BEGIN RENEGOTIATION OF THIS AGREEMENT IMMEDIATELY, WITH A VIEW TO PROMPT COMPLETION OF A NEW AGREEMENT. UNTIL THE ENTRY INTO FORCE OF A NEW AGREEMENT FOR COOPERATION CONCERNING CIVIL USES OF ATOMIC ENERGY, THE

GOVERNMENT OF CANADA AGREES THAT, IN ADDITION TO THE
THE 1955 COOPERATION AGREEMENT,
THE AGREEMENTS EMBODIED IN THE MARCH 25, 1976, EXCHANGE OF
NOTES AND THE PRESENT EXCHANGE OF NOTES SHALL REMAIN IN
FORCE AND IS PLEASED TO CONFIRM THAT IT SHARES THE UNDER-
STANDINGS SET FORTH IN YOUR NOTE.

END TEXT.

4. THE ABOVE EXCHANGE SHOULD BE AMENDED AS NECESSARY TO
PUT IN PROPER FIRST PERSON NOTE FORM. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, NUCLEAR ENERGY, DIPLOMATIC NOTES, INTERGOVERNMENTAL COOPERATION, PEACEFUL USES OF ATOMIC ENERGY
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Oct-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770396-1265
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977109/aaaaahag.tel
Line Count: 235
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Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 67638d35-c288-dd11-92da-001cc4696bcc
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Review Exemptions: n/a
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Review Release Date: n/a
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Review Withdrawn Fields: n/a
SAS ID: 1019273
Secure: OPEN
Status: NATIVE
Subject: NUCLEAR EXCHANGE OF NOTES
TAGS: PFOR, MNUC, CA, US
To: OTTAWA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/67638d35-c288-dd11-92da-001cc4696bcc
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